

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**ZACHARY CLAYTON WALKER,
JASON FITZGERALD, and
JOSEPH McDORMAN,**

Plaintiffs,

v.

SHERIFF SONNY WEATHERFORD *et al.*,

Defendants.

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Case No. 3:12-mc-00059

Judge Sharp

ORDER

Plaintiffs Zachary Walker, Jason Fitzgerald and Joseph McDorman filed a document titled “Motion for Lawsuit” in Case Number 3:12-mc-00050, which the Court, in an order dated August 29, 2012, construed as a separate complaint and ordered it filed as a new lawsuit under a new docket number. In the same order, the Court gave notice to the three plaintiffs in this new action that, within 30 days of entry of that order, each plaintiff needed to submit his portion of the \$350 filing fee, or his own Application to proceed as a pauper.

Now before the Court is a letter from plaintiff Jason Fitzgerald, in which he states that he wishes to file a “separate lawsuit under the same guidelines and for the same reasons that are stated in Mr. Walker’s lawsuit.” (ECF No. 7, at 1.) Mr. Fitzgerald also gives notice that he needs an extension of time to complete his application to proceed as a pauper.

At this point, it is not clear to the Court whether Mr. Fitzgerald seeks to file an entirely new lawsuit, or whether he intended to signal his intention to join Mr. Walker’s second lawsuit. Because each of the three plaintiffs signed the “Motion for Lawsuit” (ECF No. 1), the Court was under the impression that each of them intended that motion to function as a complaint.

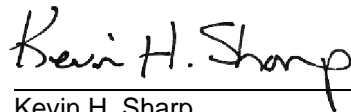
However, in order to avoid the possibility of assessing a filing fee against a plaintiff who did not intend to join in the filing of a complaint, and for the purpose of clarifying the claims in the present action, the Clerk is **DIRECTED** to forward to each of the three plaintiffs in this action a blank § 1983 form

complaint, a blank form application to proceed as a pauper, and an instruction sheet. Within **30 days** of entry of this order on the docket, the three plaintiffs should indicate to the Court their intentions with respect to this lawsuit. If they seek to file a joint complaint, they must resubmit their complaint using the Court's § 1983 form complaint, signed by all three plaintiffs. The complaint must include on its face the docket number for this action (3:12-mc-00059). Along with the complaint, each plaintiff must submit his own signed and completed application to proceed as a pauper, which should also include the docket number.

If any of the three plaintiffs chooses not to join in this action and instead seeks to file his own separate complaint, he must instead fill out a separate complaint form, leaving the docket number blank, and file it along with his application to proceed as a pauper.

An extension of time to comply with this order will be granted if the request is made within **30 days** of entry of this order.

It is so **ORDERED**.



Kevin H. Sharp
United States District Judge